

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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DARRYL T. COGGINS,

Plaintiff,

- against -

COUNTY OF NASSAU, NASSAU COUNTY  
POLICE DEPARTMENT, POLICE OFFICER  
JAMES VARA, in his individual and official  
capacity, and POLICE OFFICER CRAIG  
BUONORA, in his individual and official  
capacity, SERGEANT PICKERING, in his  
individual and official capacity, LIEUTENANT  
DELARGY, in his individual and official capacity,  
and JOHN DOES "1-10," in their individual and  
official capacity,

Defendants.

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**ORDER**

CV 07-3624 (JFB) (AKT)

**A. KATHLEEN TOMLINSON, Magistrate Judge:**

Subsequent to the Status Conference with the parties on September 23, 2011, I had an opportunity to speak with Judge Bianco regarding his last conference with the parties on August 24, 2011 [DE 97] and his recollection of the rulings made at that time. Judge Bianco advised that he directed depositions to go forward for individuals who did not testify in the grand jury proceedings. Therefore, if the Floral Park police officers whose depositions were noticed for October 3 and October 6 actually testified in the grand jury, then those depositions should be postponed until counsel for Officer Buonora's motion is resolved before County Court Judge John Kase. If those officers did not testify in the grand jury proceedings, then the depositions should go forward as scheduled. Since the grand jury proceedings are secret, the Court is not sure how any party in this action would necessarily be in a position to confirm whether the Floral

Park police officers actually testified in those proceedings. However, the Court does believe that counsel for Nassau County can speak with the District Attorney's Office expeditiously to confirm that information one way or the other. All counsel should proceed accordingly.

**SO ORDERED.**

Dated: Central Islip, New York  
September 26, 2011

/s/ A. Kathleen Tomlinson  
A. KATHLEEN TOMLINSON  
U.S. Magistrate Judge